

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
JUAN PABLO THIERIOT, :
Plaintiff, :
: 23 Civ. 1875 (LGS)
-against- :
: ORDER
BILL LAGNER, :
Defendant. :
-----X

LORNA G. SCHOFIELD, District Judge:

WHEREAS, on February 3, 2023, Plaintiff filed this action in the Supreme Court of the State of New York, New York County. On March 3, 2023, Defendant filed a timely notice of removal to this District.

WHEREAS, the notice of removal states that Plaintiff is a resident of California and Florida and that Defendant is a resident of Texas. The state court complaint states that Plaintiff resides in Florida and Defendant resides in Texas. The notice of removal does not contain a statement regarding the parties' citizenship at time of the commencement of the action and the time of removal.

WHEREAS, "it is well-established that allegations of residency alone cannot establish citizenship." *Canedy v. Lib. Mut. Ins. Co.*, 126 F.3d 100, 103 (2d Cir. 1997); *accord Wright v. Musanti*, 887 F.3d 577, 585 (2d Cir. 2018). However, "when the basis for jurisdiction is not properly alleged, leave to correct a technical defect should be freely given." *Id.* It is hereby

ORDERED that no later than **March 9, 2023**, Defendant shall file an amended notice of removal that properly states the basis for jurisdiction.

Dated: March 7, 2023
New York, New York


LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE